

Accommodating Special Dietary Needs Maine Child Nutrition Programs

Participants With a Disability

Federal regulations **require** sponsors participating in child nutrition programs to make substitutions to the federal meal requirements for participants **with a disability** which **restricts their diet**.

This is determined by a **licensed physician** (MD or DO). The physician's determination of the participant's disability must be based on the regulatory criteria for a "disabled person." (7 CFR 15(b)(3))

A participant whose disability restricts his or her diet shall be provided substitutions in foods only when supported by a medical statement signed by a licensed physician. The medical statement shall identify:

1. The participant's disability and the major life activity or bodily function affected by the disability;
2. An explanation of why the disability restricts the participant's diet;
3. The food or foods to be omitted from the participant's diet; and,
4. The food or choice of foods that must be substituted.

If the disability would require caloric modifications, meal pattern or frequency modifications, or the substitution of a liquid nutritive formula, this information must be included on the medical statement.

Participants Without a Disability

A school district may, **at their discretion**, make substitutions for individual participants who **do not have a disability** but are unable to consume a food item because of medical or other special dietary needs.

Such substitutions are made on a case-by-case basis when supported by a statement signed by a **recognized medical authority** (Medical Doctor, Doctor of Osteopathy, Nurse Practitioner & Physician's Assistant).

For participants without a disability, the supporting statement by the recognized medical authority shall include:

1. The medical or other special dietary need that restricts the participant's diet;
2. The food(s) to be omitted from the participant's diet; and,
3. The food or choice of foods to be substituted.

Milk Substitutions

A sponsor may, **at their discretion**, make substitutions for participations who request a substitution for cow's milk. *Juice and water are NOT allowable substitutions*. Participants must provide the sponsor with:

1. A signed milk substitution request from a parent/guardian or recognized medical authority.

Food Allergies and Intolerances

Generally, participants with food allergies or intolerances are not persons with disabilities and sponsors are not required to make substitutions for them. However, if a licensed physician assesses that food allergies substantially limit one or more major life activities, the participant may then meet the definition of a participant with a disability and the foodservice personnel must make the substitutions prescribed by the licensed physician (MD or DO only).

USDA Meal Reimbursement

Reimbursement for meals served to participants with a disability or participants with other special dietary needs are paid at the standard meal reimbursement rate. While any additional costs for substituted foods are considered allowable program costs, no additional Child Nutrition Program reimbursement is available. Sources of supplemental funding may include special education funds (if the substituted food is specified in the student's individualized education program), the general account of the school district, or the nonprofit school foodservice account.

Participant Meal Charges

There can be **no** additional charges to participants with or without disabilities for meal substitutions.